

REMARKS/ARGUMENTS

Claims 1-3, 5-9, 12-15, and 17-36 are currently pending in the instant application. Claims 8-9, 12, 15, and 29 are currently amended. Claims 1-3, 5-9, 12-15, and 17-36 stand rejected as being obvious under 35 U.S.C. § 103(a). Applicant acknowledges receipt of the above-identified Office Action, and respectfully traverses the Office Action in its entirety.

**CLAIMS 1-3, 5-9, 12-15, 17-21, 23-28, 30-31, AND 32-35 ARE PATENTABLE
OVER CAMPBELL AND HAYWARD**

The Examiner rejected claims 1-3, 5-9, 12-15, 17-21, 23-28, 30-31, and 32-35 under 35 U.S.C. § 103(a) as being unpatentable over Campbell et al. (U.S. Patent No. 6,047,259, hereinafter “Campbell”) in view of Hayward et al. (U.S. Patent No. 5,574,828, hereinafter “Hayward”). Applicant respectfully traverses the rejection for at least the reasons set forth below.

The combination of Campbell and Hayward does not render Applicant’s invention obvious as neither Campbell nor Hayward, nor the combination thereof, discloses all elements of Applicant’s invention as recited in claim 1. It is well established that, in order to show obviousness, all limitations must be taught or suggested by the prior art. In Re Boyka, 180 U.S.P.Q. 580, 490 F.2d 981 (CCPA 1974); MPEP § 2143.03. It is error to ignore specific limitations distinguishing over the references. In Re Boe, 184 U.S.P.Q. 38, 505 F.2d 1297 (CCPA 1974); In Re Saether, 181 U.S.P.Q. 36, 492 F.2d 849 (CCPA 1974); In Re Glass, 176 U.S.P.Q. 489, 472 F.2d 1388 (CCPA 1973).

Campbell discloses a computer-implemented method and system for tracking workflow through a medical facility, managing medical exams of patients in the facility, and managing treatment protocols for the patients. Multiple user interface screens, arranged in a hierarchy, are provided for conducting a medical exam. Campbell; Col. 12, line 59 to Col. 13, line 18. When a user selects an area within the hierarchy, the system “launches a new screen for the selected part of the physical exam.” *Id.* Medical data entered by the user is sent to a server for validation and used by the server to determine whether the user should collect additional information. *Id.*

Hayward provides a program used to write other programs for the implementation of guidelines in situations where a qualification decision or next course of action determination must be made, using questions with limited choice answers. Data provided in answer to the

questions causes a second program to be automatically generated based on the answers. The second program then elicits responses in an interactive manner. Qualification decisions and courses of action are suggested as an output of the second program. Hayward; Abstract.

Applicant's invention, as recited in claim 1, provides, *inter alia*, a computer implemented patient clinical encounter information collection system comprising a server, a user interface, and a client device. The user interface further comprises a plurality of fields, wherein the plurality of fields are displayed in a single screen, arranged in a fixed manner, as on a clinical chart. The client device further comprises a navigation module, wherein the navigation module modifies the contents of at least a subset of the plurality of fields presented by the user interface and a verification module, wherein the verification module determines an authorization level for the diagnosis prior to submitting it to the server. Neither Campbell nor Hayward, nor the combination thereof, teaches or suggests the consolidation of the requisite data entry fields into a single screen, the use of a navigation module, or the use of a client-side verification module which determines an authorization level for the diagnosis prior to submitting it to the server. Thus, Applicant's invention as recited in claim 1 is patentable over Campbell and Hayward, and Applicant respectfully requests that the Examiner withdraw the rejection of claim 1.

Claims 2-3, 5-7, and 30-31 depend from independent claim 1. The Court of Appeals for the Federal Circuit has consistently held that where a claim is dependent upon a patentable independent claim, the dependent claim is *a fortiori* patentable because it contains all the limitations of the independent claim plus further limitations. See, e.g., Hartness Intern. Inc. v. Simplimatic Engineering Co., 819 F.2d 1100, 1108 (Fed. Cir. 1987). Applicant asserts that claims 2-3, 5-7, and 30-31 are patentable for at least the reasons set forth above with respect to independent claim 1 from which they depend, and respectfully requests that the Examiner withdraw the rejection of these dependent claims.

Claim 8 likewise stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Campbell in view of Hayward. Applicant's invention, as recited in claim 8, provides a method for facilitating the submission of a clinical record for automated processing wherein a selection interface is provided in a single screen that facilitates a selection by a user of one of a plurality of predetermined clinical data types, wherein the predetermined clinical data types comprise data necessary for creating at least a record of the symptoms associated with a patient and diagnosis. A selection is received from the selection interface and at least one data field is provided in

response to the selection. The data field, which is selected by a navigation module, is added to the selection interface. Neither Campbell nor Hayward, nor the combination thereof, teaches or suggests providing a selection interface in a single screen or a selecting a data field by a navigation module and adding it to the selection interface. Thus, Applicant's invention as recited in claim 8 is patentable over the combination of Campbell and Hayward, and Applicant respectfully requests that the Examiner withdraw the rejection of claim 8.

Claim 9 likewise stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Campbell in view of Hayward. Applicant's invention, as recited in claim 9, provides a method of generating an electronic clinical record wherein a user interface running on a client device receives a diagnosis from a user. The user is permitted to select a criteria from a pre-defined list of criteria associated with the entered diagnosis, the criteria being associated with a rule required for confirming the entered diagnosis, and the criteria being associated with at least one finding. The user data corresponding to at least one subset of the at least one finding associated with the user selected criteria is received and verified on the client device. The user data is transmitted to a server and an electronic clinical record is generated based on the data. Neither Campbell nor Hayward, nor the combination thereof, teaches or suggests the verification of user-entered data on the client device. Thus, Applicant's invention as recited in claim 9 is patentable over Campbell and Hayward, and Applicant respectfully requests that the Examiner withdraw the rejection of claim 9.

Claim 33 depends from independent claim 9. The Court of Appeals for the Federal Circuit has consistently held that where a claim is dependent upon a patentable independent claim, the dependent claim is *a fortiori* patentable because it contains all the limitations of the independent claim plus further limitations. See, e.g., Hartness Intern. Inc. v. Simplimatic Engineering Co., 819 F.2d 1100, 1108 (Fed. Cir. 1987). Applicant asserts that claim 33 is patentable for at least the reasons set forth above with respect to independent claim 9 from which it depends, and respectfully requests that the Examiner withdraw the rejection of claim 33.

Claim 15 likewise stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Campbell in view of Hayward. Applicant's invention, as recited in claim 15, provides, *inter alia*, a method for processing patient clinical data by a health care organization wherein a user site retrieves at least one of a plurality of forms for display and editing at the user site, a first set of rules, and a second set of rules from a server computer. The first set of rules facilitates the

authorization of at least one diagnosis based on associated clinical patient encounter criteria, and the second set of rules facilitate the evaluation of clinical patient encounter data. The first and second rules are applied and processed at the user site. Neither Campbell nor Hayward, nor the combination thereof, teaches or suggests applying and processing first and second rules at the user site. Thus, Applicant's invention as recited in claim 15 is patentable over Campbell and Hayward, and Applicant respectfully requests that the Examiner withdraw the rejection of claim 15.

Claims 17 and 34 depend from independent claim 15. The Court of Appeals for the Federal Circuit has consistently held that where a claim is dependent upon a patentable independent claim, the dependent claim is *a fortiori* patentable because it contains all the limitations of the independent claim plus further limitations. See, e.g., Hartness Intern. Inc. v. Simplimatic Engineering Co., 819 F.2d 1100, 1108 (Fed. Cir. 1987). Applicant asserts that claims 17 and 34 are patentable for at least the reasons set forth above with respect to independent claim 15 from which they depend, and respectfully requests that the Examiner withdraw the rejection of claims 17 and 34.

Claim 18 likewise stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Campbell in view of Hayward. Campbell discloses providing multiple, hierarchically arranged user interface screens for conducting a medical exam. Campbell; Col. 12, line 59, Col. 13, line 18. When a user selects an area within the hierarchy, the system "launches a new screen for the selected part of the physical exam." *Id.*

Hayward provides a first program, wherein data provided in answer to questions causes a second program to be automatically generated based on the answers. The second program then elicits responses in an interactive manner. Qualification decisions and courses of action are suggested as an output of the second program.

In contrast, Applicant's invention, as recited in claim 18, provides a method for facilitating the single screen submission of patient clinical data in a computer implemented patient care review system. Neither Campbell nor Hayward teaches or suggests facilitating the single screen submission of patient clinical data. Thus, Applicant's invention as recited in claim 18 is patentable over Campbell and Hayward, and Applicant respectfully requests that the Examiner withdraw the rejection of claim 18.

Claim 19 likewise stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Campbell in view of Hayward. Applicant's invention, as described in claim 19, provides a method for providing an indication of appropriateness of a patient clinical encounter to a user of an electronic clinical charting system, wherein the electronic clinical charting system facilitates the submission of diagnosis-relevant clinical data associated with the patient clinic encounter. Diagnosis related data is received from a user on a client computing device. A verification rule is applied to the data on the client computing device, whereby a verification result indication is provided. Neither Campbell nor Hayward teaches or suggests consolidating patient clinical data entry and submission into a single screen. Thus, Applicant's invention as recited in claim 19 is patentable over Campbell and Hayward, and Applicant respectfully requests that the Examiner withdraw the rejection of claim 19.

Claims 20, 21 and 35 depend from independent claim 19. The Court of Appeals for the Federal Circuit has consistently held that where a claim is dependent upon a patentable independent claim, the dependent claim is *a fortiori* patentable because it contains all the limitations of the independent claim plus further limitations. See, e.g., Hartness Intern. Inc. v. Simplimatic Engineering Co., 819 F.2d 1100, 1108 (Fed. Cir. 1987). Applicant asserts that claims 20-22 and 35 are patentable for at least the reasons set forth above with respect to independent claim 19 from which they depend, and respectfully requests that the Examiner withdraw the rejection of claims 20, 21, and 35.

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Campbell in view of Hayward. Campbell discloses diagnosis software in which a plurality of physical exam buttons represent the top level in a hierarchy of physical exam screens. Campbell; Column 12, lines 48-61. Clicking one of the buttons launches a new screen where the user can enter information and the server determines whether to prompt the user for additional information by displaying questions and supplemental screens. Campbell; Column 13, lines 10-18.

In contrast, Applicant's invention, as recited in claim 12, provides an interface for entering data for evaluation of a clinical encounter comprising an interactive set of lists, each list having its own domain, displayed within a single screen. A subset of the lists are hierarchically related and formatted to be similar to a clinical chart. Neither Campbell nor Hayward teaches or suggests the interface, as recited in claim 12, wherein an interactive set of lists are displayed within a single screen. Thus, Applicant's invention as recited in claim 12 is patentable over

Campbell and Hayward, and Applicant respectfully requests that the Examiner withdraw the rejection of claim 12.

Claims 13-14 and 23-28 depend from independent claim 12. The Court of Appeals for the Federal Circuit has consistently held that where a claim is dependent upon a patentable independent claim, the dependent claim is *a fortiori* patentable because it contains all the limitations of the independent claim plus further limitations. See, e.g., Hartness Intern. Inc. v. Simplimatic Engineering Co., 819 F.2d 1100, 1108 (Fed. Cir. 1987). Applicant asserts that claims 13-14 and 23-28 are patentable for at least the reasons set forth above with respect to independent claim 12 from which they depend, and respectfully requests that the Examiner withdraw the rejection of claims 13-14 and 23-28.

**CLAIMS 22, 29, AND 36 ARE PATENTABLE OVER CAMPBELL, HAYWARD,
JOHNSON, AND CUMMINGS**

Claims 22, 29, and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Campbell, Hayward, Johnson et al. (U.S. Patent No. 5,664,109, hereinafter “Johnson”), and further in view of Cummings, Jr. (U.S. Patent No. 5,301,105, hereinafter “Cummings”). Applicant respectfully traverses the rejection for at least the reasons set forth below.

Johnson provides a system and method for extracting pre-defined data fields from medical records. The hand-written or typed medical records are inputted into the system via an OCR system and stored in a database. Relevant fields are extracted by applying a rule set to the OCR capture stored in the database.

Cummings provides a healthcare management system comprising a plurality of data input terminals and a processing system. Cummings; column 4, lines 7-14. Processing of the medical data inputted into the data input terminals is performed solely on the processing system. Cummings; Fig 3, column 7, lines 39-60.

Applicant’s invention, as described in claim 29, provides an electronic clinical record creation and review system wherein a user interface, provided by a client computing device, prompts for clinically relevant inputs. The clinically relevant inputs are used to generate a diagnosis and the diagnosis is verified on the client computing device prior to transmission to a health care reviewing organization for review. None of the references cited, either alone or in combination, teaches or suggests an electronic clinical record creation and review system wherein a client computing device verifies a diagnosis prior to transmission to a health care

reviewing organization. Thus, Applicant's invention as recited in claim 29 is patentable over the cited references, and Applicant respectfully requests that the Examiner withdraw the rejection of claim 29.

Claim 22 depends from independent claim 19 and claim 36 depends from independent claim 29. The Court of Appeals for the Federal Circuit has consistently held that where a claim is dependent upon a patentable independent claim, the dependent claim is *a fortiori* patentable because it contains all the limitations of the independent claim plus further limitations. See, e.g., Hartness Intern. Inc. v. Simplimatic Engineering Co., 819 F.2d 1100, 1108 (Fed. Cir. 1987). Applicant asserts that claims 22 and 36 are patentable for at least the reasons set forth above with respect to independent claims from which they depend, and respectfully requests that the Examiner withdraw the rejection of claims 22 and 36.

**CLAIM 32 IS PATENTABLE OVER CAMPBELL, HAYWARD, JOHNSON,
CUMMINGS, AND KAKER**

The Examiner rejected claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Campbell, Hayward, Johnson, Cummings, and further in view of Kaker et al. (U.S. Publication No. 2001/0037218 A1). Applicant respectfully traverses the rejection for at least the reasons set forth below.

Kaker provides an online system for providing prescription assistance to a user via a web server connected to a database and a web browser running on a user workstation. Data is processed on the server side. Claim 32 recites, *inter alia*, a method for facilitating the submission of a clinical record for automated processing wherein a selection interface is provided by a single screen that receives a selection from a user and provides at least one data field in response to the selection, wherein the selection interface and at least one data field are provided via an HTML web page on the Internet, which is neither taught or suggested by any of the cited references, either alone or in combination.

Still further, claim 32 depends from independent claim 8. The Court of Appeals for the Federal Circuit has consistently held that where a claim is dependent upon a patentable independent claim, the dependent claim is *a fortiori* patentable because it contains all the limitations of the independent claim plus further limitations. See, e.g., Hartness Intern. Inc. v. Simplimatic Engineering Co., 819 F.2d 1100, 1108 (Fed. Cir. 1987). Applicant asserts that claim 32 is patentable for at least the reasons set forth above with respect to the independent

RESPONSE

Examiner: COBANOGLU, Dilek B.

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claim from which it depends, and respectfully requests that the Examiner withdraw the rejection of claim 32.

CONCLUSION

Having responded to all objections and rejections set forth in the outstanding Office Action, it is submitted that the currently pending claims are in condition for allowance and Notice to that effect is respectfully solicited. Additional characteristics or arguments may exist that distinguish the claims over the prior art cited by the Examiner, and Applicant respectfully preserves the right to present these in the future, should they be necessary. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is courteously requested to contact applicant's undersigned representative.

AUTHORIZATION

The Commissioner is authorized to charge any additional fees associated with this filing, and credit any overpayment, to Deposit Account No. 50-0653. If an extension of time is required, this should be considered a petition therefor. If the fees associated with a Request for Continued Examination are filed herewith, this should be considered a petition therefor.

Respectfully submitted,

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